



# Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, October 14, 2003  
**PLACE:** 1511 Pontiac Ave., Building #73, 2<sup>nd</sup> Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
John R. Capobianco  
Ellen L. Jordan  
Elizabeth S. Dolan

**MEMBER ABSENT:** Gerald Goldstein

**OTHERS PRESENT:** Joan N. Brousseau, Administrator  
Robyn H. Golden, Investigator  
Linda Esposito, Secretary  
Margaret Hogan, Esquire

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Chairman Lanni called the meeting to order in Open Session at 9:20 a.m.

All members present reviewed the Open Minutes of the September 23, 2003 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all Board Members present to accept the minutes as written.

The meeting continued in open session:  
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### DRAFTED DECISIONS:

1. Case No. EE-3541  
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO  
**UNIT CLARIFICATION:** Police Computer Operations Specialist

This case was heard formally by Joseph Mulvey, Gerald Goldstein, Ellen Jordan, and Elizabeth Dolan. Walter Lanni, Frank Montanaro and John Capobianco reviewed the transcript and briefs of the parties.

**ORDER:** The position of Police Computer Operations Specialist held by Edward Warzycha shall be and is hereby accreted to the bargaining unit covered by EE-3541.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan and Ellen Jordan signed the Decision as dissenting. Staff will contact Gerald Goldstein regarding his vote on signing the Decision.

**UNIT CLARIFICATIONS:**

1. Case No. EE-1819  
Cranston School Department & ASFCME  
**UNIT CLARIFICATION: Medicaid Supervisor/HIPPA Privacy Officer**

After review of the investigator's report, and the Union's response, (the Employer did not submit a response), a Motion was made by Joseph Mulvey and seconded by John Capobianco to schedule a formal hearing in this matter in six months to give the Employer an opportunity to completely develop the assigned duties of this position in order for the Board to have the complete and proper information to make a determination. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. EE-3133  
Commissions and Agencies & AFSCME  
**UNIT CLARIFICATION: Executive Secretary - State Properties Committee**

***Chairman Lanni disqualified himself from participating in this matter.***

After review of the investigator's report and the parties' responses, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accrete the position of Executive Secretary - State Properties Committee, into the bargaining unit defined in Case No. EE-3133, and to proceed to formal hearing. After discussion, all participating Board members present voted in favor of the Motion.

3. Case No. EE-3133  
Commissions and Agencies & AFSCME  
**UNIT CLARIFICATION:** Administrative Clerk, Special Projects Coordinator,  
Communications & Training Coordinator, Administrative Aide

After review of the investigator's report and the Employer's response (the Union did not submit a response), a Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan to include the positions of Communications and Training, and Administrative Aide, into the bargaining unit defined in Case No. EE-3133, and to proceed to formal hearing. The positions of Administrative Clerk, and Special Projects Coordinator, shall remain excluded from the bargaining unit with the parties' having to request a formal hearing on the excluded positions in accordance with RIGL 28-7-9. After discussion all Board Members present voted in favor of the Motion.

*Frank Montanaro arrived at 9:40 a.m. Frank Montanaro had voted to sign the drafted Decision and Order in Case No. EE-3541.*

4. Case Nos. EE-1778 and Case No. EE-2060  
RI Airport Corporation & ASFCME  
**UNIT CLARIFICATION:** Deputy Fire Chief, Deputy Chief of Police, Planning Manager,  
Manager of Properties and Real Estate

After review of the investigator's report (neither the Employer nor the Union submitted a response), a Motion was made by Joseph Mulvey and seconded by John Capobianco to include the positions of Deputy Fire Chief, Deputy Chief of Police, Planning Manager, Manager of Properties and Real Estate, into the bargaining unit defined in Case No. EE-1778, and to proceed to formal hearing. After discussion Walter Lanni, Ellen Jordan and Elizabeth Dolan voted against the Motion. Motion failed.

A Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan to include the positions of Planning Manager, and Manager of Properties and Real Estate into the bargaining unit defined in Case No. EE-1778 and to proceed to formal hearing. The positions of Deputy Fire Chief, and Deputy Chief of Police, shall remain excluded from the bargaining unit with the parties' having to request a formal hearing on the excluded positions in accordance with RIGL 28-7-9. After discussion all Board Members present voted in favor of the Motion.

**MISCELLANEOUS MATTERS:**

1. Letter from Administrator Joan Brousseau

Chairman Lanni read the letter from the Administrator submitting her resignation, effective December 14, 2003.

2. A Motion was made by Joseph Mulvey and seconded by Frank Montanaro to accept the appointment of Robyn H. Golden as Acting Administrator upon Joan Brousseau's retirement. All Board Members present voted in favor of the Motion. Chairman Lanni advised the Board that a letter will be written to Director, Marvin Perry, requesting that Robyn H. Golden be appointed Acting Administrator upon the retirement of Joan Brousseau, effective December 14, 2003.

3. A Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to amend the Agenda to include information Attorney Hogan received from the Secretary of State's Office. All Board Members present voted in favor of the Motion.

Attorney Hogan advised the Board that the Secretary of State's office now requires that we file copies of all Open and Closed Minutes with their office. The Administrator advised the Board that all copies from 1993 to the present have since been filed and we are now up to date with the Secretary of State's Office.

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Joseph Mulvey made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges, cases concluded and miscellaneous matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

**VOTED:** for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:50 a.m.

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The meeting resumed in open session at 10:30 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**UNFAIR LABOR PRACTICE CHARGES:**

1. Case No. ULP-5677  
Warren & IBPO

**DETERMINATION:** dismiss the charge in accordance with RIGL 28-7-9(d).

2. Case No. ULP-5682  
Coventry Fire District & IAFF

*Frank Montanaro disqualified himself from participation in this matter.*

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

3. Case No. ULP-5678  
Foster & IBPO

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

4. Case No. ULP-5664  
West Warwick & AFSCME

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

5. Case No. ULP-5686  
Johnston Public Schools & Laborers' District Council

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

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A Motion to adjourn was made by Frank Montanaro, and it was seconded by Elizabeth Dolan, and it was unanimously,

**VOTED:** to adjourn the meeting at 10:35 a.m.